

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated October 21, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-9 and 21-31 are pending in the Application. Claim 1 is an independent claim.

In the Final Office Action, claims 1-9 and 21-31 are rejected under 35 U.S.C. §112, second paragraph. In response, claim 1 is amended to remove the term "predefined" and claim 6 is amended in accordance with the Examiner's comments. Accordingly, it is respectfully submitted that the rejected claims are now definite and, thus, overcome this rejection. An indication to that effect is respectfully requested.

In the Final Office Action, claims 1, 2, 5-9 and 21-31 are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 20010017759 to Marmaropoulos ("Marmaropoulos ") in view of U.S. Patent No. 4,703,521 to Asher ("Asher"). Claims 3 and 4 are rejected under 35 U.S.C. §103(a) over Marmaropoulos in view of Asher and further in view of U.S. Patent No. 6,360,615 to Smela ("Smela"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-9 and 20-31 are allowable over Marmaropoulos, Asher, and Smela for at least the following reasons.

Claim 1 is amended to further clarify its recitations. In particular claim 1 substantially recited that an actuator translates the mechanical interaction with the conductive elastomeric material.

Claim 1 is directed to a textile construction that includes a user interface. As illustrated in an example of such construction in the present application, FIG. 6, and discussed in the penultimate paragraph of the specification, the textile construction includes a garment 40 and a user interface 10. The user interface 10 includes a conductive elastomeric material 20, an actuator 30, and markings describing functions of an electronic device (see, present application, page 8, lines 1-15). The present application on page 4, lines 5-8, describes the functioning of the actuator 30 as follows (emphasis added):

The textile construction 1 preferably also has an actuator 30 cooperative with the one or more areas of conductive elastomeric material 20 to translate and/or communicate any interaction or user input to the conductive elastomeric material 20.

The Final Office Action equates a grip of the bead 48 of Marmaropoulos, to the actuator. However, as clear from Marmaropoulos, paragraph [0023], the only function for the grip or bead 48 is as insulation. Also, as further clear from Marmaropoulos, paragraph [0024], claim 1 is further distinguished in that Marmaropoulos states that the bead 48 is pulled downward and upward, stretching the cord 40. In contrast with what is taught by Marmaropoulos, in claim 1, the recitation is that the mechanical interaction is with the conductive elastomeric material and that the actuator translates that interaction.

Smela is cited to reject dependent claims and Asher was not brought in to and does not remedy the above discussed deficiencies of Marmaropoulos.

It is respectfully submitted that claim 1 is not anticipated or made obvious by the teachings of Marmaropoulos and Asher. For example, Marmaropoulos and Asher do not disclose or suggest, amongst other patentable elements, a textile construction comprising

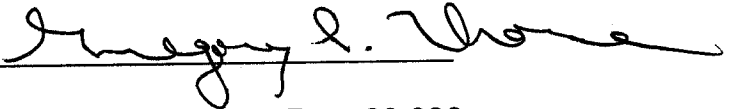
(illustrative emphasis added) "an actuator for translating the mechanical interaction with the at least one area of the conductive elastomeric material", as recited in claim 1.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Smela and Daum and notice to this effect is earnestly solicited. Claims 2-9 and 21-31 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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